

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

ELECTION SYSTEMS & SOFTWARE,  
INC.,

Plaintiff,

v.

JAMES DALTON, MARK ALLISON and  
DALTON CONSULTING, LLC,

Defendants.

Case No. 8:09-cv-311

**STIPULATION TO DISMISS WITH  
PREJUDICE**

Plaintiff Election Systems & Software, Inc. and Defendants James Dalton and Dalton Consulting, LLC jointly stipulate and respectfully move for dismissal with prejudice of Plaintiff's claims against Defendants with each party to pay their own costs and attorneys fees.

Pursuant to Local Rule 11.1(a)(3), the undersigned counsel for Election Systems & Software, Inc. represents that Defendants James Dalton and Dalton Consulting, LLC have consented to the filing of this joint motion.

WHEREFORE, Plaintiff Election Systems & Software, Inc. and Defendants James Dalton and Dalton Consulting respectfully pray that the Court dismiss with prejudice Plaintiff's claims against Defendants with each party paying their own costs and attorneys fees.

Dated this 19<sup>th</sup> day of October 2010.

ELECTION SYSTEMS & SOFTWARE,  
INC., Plaintiff,

By: /s/ Kristin M.V. Farwell

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JAMES DALTON and DALTON  
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By: /s/ Erin L. Ebeler

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Attorneys for Defendants.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 19<sup>th</sup> day of October 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all CM/ECF participants.

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**/s/ Kristin M.V. Farwell**

Kristin M.V. Farwell